

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
FILE NUMBER: MVP-2004-5177-DJP
PROJECT MANAGER: Dale Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: Jan.. 23, 2007
At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Waukesha

Center coordinates of site by latitude & longitude: 43.1232345133N, 88.1555321534W

Approximate size of site/property (including uplands) in acres: 20

Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.2 acre								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): A wetland delineation report was received at the Waukesha office for review and concurrence. The wetland delineation identified 3-separate wetlands areas with a combined surface area of 1.55-acres at the 20-acre site. Two wetlands with a combined surface area of 1.35-acres were identified along an unnamed tributary to the Fox River, which is a navigable water of the US and are therefore jurisdictional water bodies..

The other wetlands with a surface area of approximately 0.2 acre is confined to an isolated depression that lacks a surface water connection and adjacency to nearby Fox River. Connections between the wetland and interstate commerce was also considered but could not be identified. Therefore, this wetland is an isolated water that would not be subject to Corps Section 404 jurisdiction.